

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Criminal No. 1:05-cr-10074-PBS

CHARLES CARRINGTON

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**MOTION TO SUPPRESS IDENTIFICATION**

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Now comes the defendant in the above-entitled action and hereby respectfully moves this Honorable Court, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, to order the suppression of all in-court and out-of-court identification of the defendant by Felizberta C. Monteiro.

As reasons therefore, the defendant states that the identification was the result of a procedure so impermissibly suggestive as to give rise to a substantial likelihood of irreparable misidentification. These actions were in violation of rights guaranteed by the Fourth Amendment to the U.S. Constitution. *Mason v. Brathwaite*, 432 U.S. 98, 97 S.Ct. 2243, 53 L.Ed.2d 140 (1977). The suggestive and illegal identification procedure has tainted all subsequent identifications. *United States v. Foppe*, 993 F.2d 1444 (9<sup>th</sup> Cir. 1993).

The defendant requests an evidentiary hearing on this motion.

CHARLES CARRINGTON  
By his attorney,

/s/ Mark W. Shea

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